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EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/815,507	Applicant(s) DEGRAEVE, MICHEL	
	Examiner David Lazaro	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

S.O.O.

DETAILED ACTION

1. This office action is in response to the amendment filed 11/24/05.
2. Claims 1, 5, 7, 8, 13, 14 and 16 were amended.
3. Claims 17-24 were added.
4. Claims 1-24 are pending in this office action.

Response to Amendment

5. The new title is accepted by the examiner.
6. The objections to claims 5 and 14 are withdrawn.
7. The rejection of claim 8 under 35 U.S.C. 112, second paragraph, is withdrawn.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Provisional application 60/159,083, filed October 13, 1999, by Nigel Waites (Waites).

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11. With respect to Claim 1, Waites teaches a method of sending data stored in a database by sender to a recipient, which are mobile phone users, in relationship with a manager defining a managing software application, said database and said manager being in connection with a website, comprising: entering into a connection between the sender and the manager (Page 10 line 14 - Page 11 line 11), wherein the sender enters into said connection with the manager and provides sender identification to the manager (Page 12 line 20-21 and Page 13 lines 1-9); transferring an identifier to the manager, wherein the sender transfers said identifier comprising at least a recipient's mobile phone number (Page 10 line 14 - Page 11 line 11, and page 9 lines 3-8); associating an e-mail address or a URL address with said identifier by the manager (Page 10 line 14 - Page 11 line 11, and page 9 lines 3-8), wherein the associating comprises selectively accessing said database according to whether the sender is a subscriber to the sending data server (Page 10 line 14 - Page 11 line 11, and page 9 lines 3-8); and sending said data stored in said database to said recipient's e-mail address or URL address (Page 10 line 14 - Page 11 line 11).

12. With respect to Claim 3, Waites teaches all the limitations of Claim 1 and further teaches said manager sends an e-mail to said recipient, said data being attached to said e-mail, in case the recipient's email address is known to the manager and is listed in the central database (Page 10 line 14 - Page 11 line 11).

13. Claims 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,493,430 by Leuca et al. (Leuca).

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14. With respect to Claim 17, Leuca teaches a method of retrieving data being stored in a database, and belonging to an owner, by a recipient who is a mobile phone user, in relationship with a manager defining a managing software application, said database and said manager being in connection with a web site, towards a recipient, the method comprising: entering into a connection between recipient and the manager (Col. 2 lines 26-48), wherein the recipient enters into the connection with the manager by sending an identifier to said manager, and wherein said identifier allows said manager to identify said owner (Col. 2 line 49 – Col. 3 line 10); identifying the recipient by the manager through the recipient's mobile phone number (Col. 2 line 67 – Col. 3 line 24), wherein said manager associates an e-mail address with the recipient's mobile phone number by selectively accessing said database according to whether the recipient is registered with the retrieving data service (Col. 3 lines 24-46); and retrieving said data stored in said database for later sending to an e-mail address (Col. 3 lines 24-46).

15. With respect to Claim 18, Leuca teach all the limitations of claim 17 and further teaches wherein said recipient adds a code to said identifier, said code being related to a selection of the data to be transmitted, said manager associating said data to be transmitted with said e-mail address (Col. 2 lines 26-48).

16. With respect to Claim 19, Leuca teaches all the limitations of Claim 17 and further teaches said manager, after identifying said recipient, immediately sends a message comprising a summary of the data of the owner to said recipient's mobile phone (Col. 2 lines 42-48).

17. With respect to Claim 20, Leuca teaches all the limitations of Claim 19 and further teaches said message is an SMS message (Col. 1 lines 35-58).

18. With respect to Claim 21, Lecua teaches all the limitations of Claim 1 and further teaches said message is a vocal message (Col. 2 lines 42-48).

19. With respect to Claim 22, Leuca teaches all the limitations of Claim 17 and further teaches wherein the manager sends an e-mail to said recipient (Col. 3 lines 24-46).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waites in view of U.S. Patent 6,742,022 by King et al. (King).

22. With respect to Claim 2, Waites teaches all the limitations of Claim 1, but does not explicitly disclose said identifier comprises furthermore a code related to a selection in the database of the data to be transmitted, said manager associating said data to be transmitted to said e-mail address or said URL address. King teaches a sender can send a code to a manager that corresponds to a selection in a database of certain data to be operated upon based on the sender's request (Col. 7 lines 53-65). This allows thin devices to direct data, stored in a database or network, to other recipient devices

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(Col. 7 lines 53-65 and Col. 3 line 61 - Col. 4 line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Waites and modify it as indicated by King such that the method further comprises said identifier comprises furthermore a code related to a selection in the database of the data to be transmitted, said manager associating said data to be transmitted to said e-mail address or said URL address. One would be motivated to have this, as there is need for providing thin devices with the ability to direct data to other recipient devices (Col. 3 lines 1-12 and Col. 7 line 53-65 of King).

23. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waites in view of U.S. Patent 6,246,871 by Ala-Laurila (Ala-Laurila).

24. With respect to Claim 4, Waites teaches all the limitations of Claim 1 and further teaches a URL can be created and associated with a phone number (Page 13 lines 1-13). The URL provides access to data (Page 13 lines 1-13). Waites also teaches that by parameterizing a URL by a phone number, direct access to information is provided (Page 2 lines 12-16). Waites further teaches email addresses may not be available (Page 15 lines 25-28). Waites does not explicitly disclose the manager sending and SMS message comprising the URL to the recipient's mobile phone. Ala-Laurila teaches a system for communicating data stored in a database to a target recipient (Col. 3 line 61 - Col. 4 line 46). A recipient may be notified through an SMS message of a URL at which the data can be retrieved (Col. 2 lines 1-23 and Col. 5 lines 14-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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take the method disclosed by Waites and modify it as indicated by Ala-Laurila such that the method further comprises wherein said manager associates a URL address with said identifier, wherein the manager sends an SMS message comprising said URL address to the recipient's mobile phone, said URL address offering access to a web page comprising said data, said URL address being parameterized with the recipient's mobile phone number, and wherein the manager sends the SMS message in case the recipient's e-mail address is not known to the manager. One would be motivated to have this, as it is desirable to provide an efficient manner of communicating data at less cost to the sender of the data (Col. 1 lines 16-26 and lines 39-50, and Col. 4 lines 16-32 of Ala-Laurila).

25. With respect to Claim 5, Waites in view of Ala-Laurila teaches all the limitations of Claim 4 and further teaches said URL is secured by a login password which is communicated to the recipient by way of said SMS message (Col. 5 lines 14-20 and Col. 4 lines 25-27 of Ala-Laurila).

26. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waites in view of U.S. Patent 6,516,203 by Enzmann et al. (Enzmann).

27. With respect to Claim 6, Waites teaches all the limitations of Claim 1 and teaches a mobile phone device (Page 9 lines 3-8), but does not explicitly disclose a WAP mobile phone. Enzmann teaches the use of a WAP mobile phone. It would have been obvious to one of ordinary skill in the art to take the method disclosed by Waites and modify it as indicated by Enzmann such that the sender uses a WAP mobile phone. One would be

motivated to have this as a WAP mobile phone provides for more user friendly browsing (Col. 1 lines 49-50 and Col. 4 lines 15-28 of Enzmann).

28. Claims 7-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Leuca in view of Waites.

29. With respect to Claim 7, Leuca teaches teaches a method of retrieving data being stored in a database, and belonging to an owner, by a recipient who is a mobile phone user, in relationship with a manager defining a managing software application, said database and said manager being in connection with a web site, towards a recipient, the method comprising: entering into a connection between recipient and the manager (Col. 2 lines 26-48), wherein the recipient enters into the connection with the manager by sending an identifier to said manager, and wherein said identifier allows said manager to identify said owner (Col. 2 line 49 – Col. 3 line 10); and identifying the recipient by the manager through the recipient's mobile phone number (Col. 2 line 67 – Col. 3 line 24). Leuca further teaches a mobile phone number can be used to direct the flow of data from the information server to the subscriber (Col. 2 line 67 – Col. 3 line 46). Leuca does not explicitly disclose the manager creates and associates a URL address with the recipient's mobile phone number; and retrieving said data stored in said database to said URL address. Waites teaches a manager can create and associate a URL address with the a mobile phone number (Page 13 lines 1-13 and Page 9 lines 3-8). Data can subsequently retrieved at the URL address (Page 13 lines 1-13). This allows simple and direct access to information through knowledge of the

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phone number (Page 2 lines 11-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Leuca and modify it as indicated by Waites such that the method further comprises wherein said manager creates and associates a URL address with the recipient's mobile phone number; and retrieving said data stored in said database to said URL address. One would be motivated to have this, as it is desirable to simplify communications between users connected through multiple communication addresses (Page 1 lines 14-21 of Waites).

30. With respect to claim 8, Leuca in view of Waites teaches all the limitations of Claim 7 and further teaches wherein said recipient adds a code to said identifier, said code being related to a selection of the data to be transmitted (Col. 2 lines 26-48 of Leuca), said manager associating said data with said URL address (Page 13 lines 1-13 of Waites).

31. With respect to Claim 9, Leuca in view of Waites teaches all the limitations of Claim 7 and further teaches said manager, after identifying said recipient, immediately sends a message comprising a summary of the data of the owner to said recipient's mobile phone (Col. 2 lines 42-48 of Leuca).

32. With respect to Claim 10, Leuca in view of Waites teaches all the limitations of Claim 9 and further teaches said message is an SMS message (Col. 1 lines 35-58 of Leuca).

33. With respect to Claim 11, Leuca in view of Waites teaches all the limitations of Claim 9 and further teaches said message is a vocal message (Col. 2 lines 42-48 of Leuca).

34. With respect to Claim 12, Leuca in view of Waites teaches all the limitations of Claim 7 and further teaches wherein said manager associates the recipient's email address with said mobile phone number, wherein the manager sends an e-mail to said recipient, said data being attached to said e-mail, in case the recipient's e-mail address is known to said manager and listed in a central database (Col. 2 line 67 – Col. 3 line 46 of Leuca).

35. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuca in view of Waites as applied to claim 7 above, and further in view of Ala-Laurila.

36. With respect to Claim 13, Leuca in view of Waites teaches all the limitations of Claim 7 and further teaches the manager can send SMS messages (Col. 1 lines 35-40 and Col. 3 lines 5-11 of Leuca), and the URL address offers access to a web page comprising data (Page 13 lines 1-13 of Waites) with the URL address being parameterized with the phone number (Page 13 lines 1-13 of Waites). Leuca in view of Waites does not explicitly disclose the manager sends an SMS message comprising said URL address to the recipient's mobile phone. Ala-Laurila teaches a system for communicating data stored in a database to a target recipient (Col. 3 line 61 - Col. 4 line 46). A recipient may be notified through an SMS message of a URL at which the data

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can be retrieved (Col. 2 lines 1-23 and Col. 5 lines 14-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Leuca in view of Waites and modify it as indicated by Ala-Laurila such that the method further comprises wherein the manager sends an SMS message comprising said URL address to the recipient's mobile phone, said URL address offering access to a web page comprising said data, said URL address being parameterized with the recipient's mobile phone number. One would be motivated to have this, as it is desirable to provide an efficient manner of communicating data at less cost to the sender of the data (Col. 1 lines 16-26 and lines 39-50, and Col. 4 lines 16-32 of Ala-Laurila).

37. With respect to Claim 14, Leuca in view of Waites and in further view of Ala-Laurila teaches all the limitations of Claim 13 and further teaches said URL is secured by a login password which is communicated to the recipient by way of said SMS message, comprising said URL (Col. 5 lines 14-20 and Col. 4 lines 25-27 of Ala-Laurila).

38. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuca in view of Waites as applied to claim 7 above, and further in view of Enzmann

39. With respect to Claim 15, Leuca in view of Waites teaches all the limitations of Claim 7 and teaches a mobile phone device (Col. 2 lines 26-48 of Leuca), but does not explicitly disclose a WAP mobile phone. Enzmann teaches the use of a WAP mobile

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phone. It would have been obvious to one of ordinary skill in the art to take the method disclosed by Leuca in view of Waites and modify it as indicated by Enzmann such that the sender uses a WAP mobile phone. One would be motivated to have this as a WAP mobile phone provides for more user friendly browsing (Col. 1 lines 49-50 and Col. 4 lines 15-28 of Enzmann).

40. With respect to Claim 16, Leuca in view of Waites and in further view of Enzmann teaches all the limitations of Claim 15 and further teaches said recipient gains direct access to the data belonging to the owner or to a WAP site owned by said data owner (Col. 4 lines 45-58 of Enzmann).

41. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuca in view Enzmann.

42. With respect to Claim 23, Leuca teaches all the limitations of Claim 17 and teaches a mobile phone device (Col. 2 lines 26-48 of Leuca), but does not explicitly disclose a WAP mobile phone. Enzmann teaches the use of a WAP mobile phone. It would have been obvious to one of ordinary skill in the art to take the method disclosed by Leuca in view of Waites and modify it as indicated by Enzmann such that the sender uses a WAP mobile phone. One would be motivated to have this as a WAP mobile phone provides for more user friendly browsing (Col. 1 lines 49-50 and Col. 4 lines 15-28 of Enzmann).

43. With respect to Claim 24, Leuca in view of Enzmann teaches all the limitations of Claim 23 and further teaches said recipient gains direct access to the data belonging to the owner or to a WAP site owned by said data owner (Col. 4 lines 45-58 of Enzmann).

Response to Arguments

44. Applicant's arguments filed 11/24/05, have been fully considered. The arguments are moot in view of the new grounds of rejection, established based on applicant's amendment. More specifically, the King reference and the Jandel reference (U.S. Patent 6,097,793) are both no longer cited as teaching the limitations argued by the applicant. The new grounds of rejection are believed to be within the scope of the claimed subject matter based on the applicant's remarks.

Conclusion

45. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

46. U.S. Patent 6,141,413 by Waldner et al. "Telephone number/web page look-up apparatus and method" October 31, 2000. Discloses a telephone answering apparatus that allows a telephone number to be linked to one or more URLs.

47. U.S. Patent 6,529,956 by Smith et al. "Private Trackable URLs for Directed Document Deliver" March 4, 2003. Discloses the creation of private URLs for storing documents to be delivered to recipients upon access of the URL by the recipient.

48. U.S. Patent 6,603,840 by Fellingham et al. "Technique for linking telephony and multimedia information" August 5, 2003. Discloses the sending of calling party associated URLs through caller identification messages or call set-up signaling messages.

49. U.S. Patent 6,671,714 by Weyer et al. "Method, Apparatus and business system for online communications with online and offline recipients" December 30, 2003. Discloses the creation of a web page for communication information of a user to a recipient when the user does not have a web page already.

50. U.S. Patent 6,788,769 by Waites "Internet Directory System and Method using Telephone Number Based Addressing" September 7, 2004. Claims priority to the provisional application 60/159,083 relied upon in the rejections.

51. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro
May 25, 2005



SALEH NAJJAR
PRIMARY EXAMINER